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10 TIM TOTH

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 TIM TOTH,

14 Plaintiff,

15 vs.

16 ARS NATIONAL SERVICES, INC.,

17 Defendants.
18

Case No.: 2:14-cv-01264-RCJ-PAL

**DISCOVERY PLAN AND
PROPOSED SCHEDULING ORDER**

19 **SUBMITTED IN COMPLIANCE WITH LR 26-1(e)**
20

21 Plaintiff TIM TOTH and Defendant ARS NATIONAL SERVICES, INC.
22 (“ARS”), by and through their counsel of record, hereby submit their stipulated
23 Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 16
24 and 26, as well as Local Rule 16-1 and 26-1. It is hereby requested that the Court
25 enter the following discovery plan and scheduling order:
26
27
28

1. Discovery Plan:

Discovery Cut-Off	3/08/2015 (180 days from the date Defendant filed its Answer, 9/09/2014)
Deadline to Amend Pleadings	12/08/2014 (90 days prior to the close of discovery)
Deadline to Disclose Initial Expert Disclosures	1/07/2015 (60 days prior to the close of discovery)
Deadline to Disclose Rebuttal Expert Disclosures	2/06/2015 (30 days after the Initial Disclosure of Experts)
Deadline to File Dispositive Motions	4/07/2015 (30 days after the close of discovery)

2. Interim Status Report: The parties shall file the interim status report

required by LR 26-3 no later than **1/07/2015** or sixty (60) days prior to the close of discovery.

3. Pre-Trial Order: The parties shall file a joint pretrial order no later than

5/07/2015 or thirty (30) days after the date set for filing dispositive motions. In the event that parties file dispositive motions, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision on the dispositive motions or further order of the Court. The disclosure required by Federal Rule of Civil Procedure 26(a)(3) and objections thereto shall be made in the pre-trial order.

1 **4. Initial Disclosures:** The parties shall make initial disclosures on or before
2 **10/23/2014.** Any party seeking damages shall comply Federal Rules of Civil
3
4 Procedures 26(a)(1)(A)(iii).

5 **5. Extension of Discovery Deadline:** Requests to extend the discovery shall
6
7 comply fully with LR 26-4. Applications to extend any date set by the discovery
8 plan, scheduling order, or other order must, in addition to satisfying the requirements
9
10 of LR 6-1, be supported by a showing of good cause for the extension. All motions or
11 stipulations to extend a deadline set forth in a discovery plan shall be received by the
12 Court no later than twenty-one (21) days before the expiration of the subject deadline.
13
14 A request made after the expiration of the subject deadline shall not be granted unless
15 the movant demonstrates that the failure to act as the result of excusable neglect.

16 The motion or stipulation shall include:

- 17 a. A statement specifying the discovery completed by the parties as of the
18 date of the motion or stipulation;
19
20 b. A specific description of the discovery which remains to be completed;
21
22 c. The reasons why such remaining discovery was not completed within the
23 time limit of the existing discovery deadline; and,
24
25 d. A proposed schedule for the completion of all remaining discovery.

26 It is not good cause for a later request to extend discovery that the parties
27 informally postponed discovery. No stipulations are effective until approved by the
28

1 Court, and any stipulation that would interfere with any time set for completion of
2 discovery, for hearing of a motion, or for trial, may be made only with approval of the
3 Court.
4

5 Dated October 10, 2014
6

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Attorneys for Defendant
ARS NATIONAL SERVICES, INC.

14 SCHEDULING ORDER

15 The above-set stipulated Discovery Plan of the parties shall be the Scheduling
16 Order for this action pursuant to Federal Rule of Civil Procedure 16(b) and Local
17 Rule 16-1.
18

19 IT IS SO ORDERED
20

21 _____
22 United States Magistrate Judge

23 Dated: _____
24
25
26
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